

REMARKS

Favorable reconsideration of this application, as amended, is respectfully requested.

Although use of the term "or" is not per se objectionable, Claims 4 and 12 have been amended to delete the alternatively language, and Claims 18 and 19 have been added to recite the alternatives deleted from Claims 4 and 12. Claim 5 has been made dependent upon Claim 4 which provides the necessary antecedent basis, and new Claim 20 depends on Claim 18, which contains the recitation deleted from Claim 4.

The rejections under 35 U.S.C. § 103(a) are respectfully traversed. The Asami patent relied upon in the rejections as the principal reference does not teach or suggest the inventions recited in independent Claims 1 and 11, and the secondary references relied upon in the rejections do not cure the deficiencies of Asami.

Important differences between Applicant's invention and Asami can easily be understood by first considering the mode of operation shown in Figs. 7 and 8 of Applicant's drawings and then considering the entirely different mode of operation disclosed in Figs. 8-11 of Asami. The following description is intended to assist the Office in understanding these important differences and is not intended to limit the scope of Applicant's claims.

As shown in Figs. 7 and 8 of Applicant's drawings, the levers 14 extend outwardly of the shank 10 to engage one side of the attached member 2 (the lower side in Fig. 7)

before the shank is inserted in the through-hole 31. When the shank is inserted into the through-hole, the arms 13 rotate together with the levers 14 outwardly of the shank (see the curved arrows 33 in Fig. 7) from the initial posture shown in Fig. 7 to an interposed posture shown in Fig. 8 at which portions of the through-hole section of the attached member 2 are received in the spaces between the arms 13 and the levers 14. These spaces are unnumbered in Figs. 7 and 8, but are clearly shown as the U-shaped spaces between the arms 13 and the corresponding levers 14.

In the interposed posture shown in Fig. 8, the arms 13 are substantially parallel to the flange 9 and in contact with an opposite side of the attached member (the upper side in Figs. 7 and 8) and the flange 9 is in contact with the levers 13 and is juxtaposed with one side (the lower side) of the attached member.

The foregoing operation of Applicant's invention is to be contrasted with the operation of Asami shown in Figs. 8-11 and described in column 5, line 3 et seq. As shown in Fig. 9, when seat portions 4 are inserted in the hole b, locking portions 3 engage the adjacent upper surface of the plate B and rotate inwardly toward the clip body 1, as is apparent from a comparison of Figs. 9 and 10. Seat portions 4 rotate outwardly. Although initially, as shown in Fig. 10, portions of the hole b of plate B are received in the spaces between the locking portions 3 and the seat portions 4, when the head portion 2 engages the upper side of the plate B, portions of the hole b are not in the spaces

between the locking portions 3 and the seat portions 4. Those spaces are actually below the plate B, as is apparent in Fig. 11, and the seat portions 4 are not in contact with a side of the plate B.

In the following discussion of independent Claims 1 and 11, reference numerals are used to assist the Office but are not intended to limit the claims in any way. Independent Claims 1 and 11 have been slightly amended to clarify the invention intended to be claimed, and not in response to the rejection thereof under 35 U.S.C. § 103(a).

Independent Claim 1 recites, inter alia, that when the shank (10) is inserted into the through-hole (31), the arms (13) rotate together with the levers (14) outwardly of the shank from the initial posture (see Fig. 7), to an interposed posture (see Fig. 8) at which portions of the through-hole section of the attached member (2) are received in the spaces between the arms and the levers, and at which the arms (13) are substantially parallel to the flange (9) and in contact with an opposite side of the attached member (upper side in Fig. 8).

It is apparent from the foregoing discussion of Applicant's invention vis-a-vis Asami that Claim 1 distinguishes patentably from Asami. Claim 1 also distinguishes patentably from the proposed combination of Asami and Yuta et al.

The Asami clip is specifically designed so that when it is finally installed on a plate B, the locking portions 3 assume the positions shown in Fig. 8, in which parts 3b are

in the hole b and parts 3c' engage the projections 2b' in a hole 8 in the head portion 2, radially inward of the hole b in the plate B, not outward. The locking portions 3 cannot engage the upper side of the plate B.

Thus, it is apparent that the proposal to combine teachings from Yuta et al. with Asami is contra-indicated. There is no way in which this combination could be achieved without destroying the intended structure and operation of Asami. Claim 1 and dependent Claims 2, 9, and 10 are believed to be clearly allowable.

Independent Claim 11 also distinguishes patentably from the proposed combination of Asami and Yuta et al. Independent Claim 11 recites, inter alia, that the construction of the clip is such that as the shank (10) is inserted into the through-hole (31), the arms (13) and the levers (14) rotate outwardly of the shank to the interposed posture, at which the arms (13) contact a side of the sheet member (the upper side in Fig. 8) opposite to the one side (the lower side in Fig. 8), the levers (14) contact the one side (the lower side in Fig. 8), portions of the through-hole section are received in spaces between the arms and the respective levers (see Fig. 8), and the flange (10) contacts the levers (13) and is juxtaposed with the one side of the sheet member. It is apparent from the foregoing discussion of Applicant's invention vis-a-vis Asami and Yuta et al., that Claim 11 and Claims 15 and 16 dependent thereon distinguish patentably from the proposed combination of Asami with Yuta et al. and are clearly allowable.

The rejection of dependent Claims 3, 6, 8, 13, 14, and 17 proposes to add Grittner to the combination of Asami and Yuta et al. It is apparent that Grittner does not cure the deficiencies of the proposed combination of Asami and Yuta et al. vis-a-vis base Claims 1 and 11. Furthermore, levers 9,11 of Grittner are quite different in structure from the levers 14 of Applicant's invention, in which tip portions 17 (see Fig. 2) engage a side of the attached member 2 and turn about the hinges (18). Moreover, since the arms 9,11 of Grittner are quite different in structure from the locking portions 3 of Asami and from the arms 14 of Yuta et al., the proposal, somehow, to add hinges to the proposed combination of Asami and Yuta et al. is without any reasonable basis whatsoever. Claims 3, 6, 8, 13, 14, and 17 are believed to be clearly allowable.

This application is in condition for allowance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and

has not been requested separately, such extension is hereby requested.

Respectfully submitted,

NHS:lmb

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